

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SINGAPORE

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E. O. 11652 N/ A

TAGS: AMED

SUBJECT: SINGAPORE DRUG ABUSE COMMUNITY PROGRAM

REF: (A) SINGAPORE 2618 (B) STATE 122734 (C) SINGAPORE

2443 (D) SINGAPORE 1758 (E) BANGKOK 8029

1. REGRET RELEASE OF INFORMATION TO GOS AUTHORITIES FAILS
TO MEET REQUIREMENTS OF REFERENCE (E) OR SAODAP REGULA-
TIONS, CONFIDENTIALITY OF DRUG ABUSE PATIENT RECORDS,
POUCHED TO YOU JUNE 25 UNCLASSIFIED POUCH.

2. FOR YOUR GUIDANCE WE QUOTE BELOW CONFIDENTIALITY
REQUIREMENTS OF INTERAGENCY AGREEMENT BETWEEN SAODAP AND
THE DEPARTMENT GOVERNING BANGKOK CENTER:

" RECORDS OF THE IDENTITY, DIAGNOSIS, PROGNOSIS, OR
TREATMENT OF ANY PATIENT WHICH ARE MAINTAINED IN CONNECTION
WITH THE PERFORMANCE OF ANY DRUG PREVENTION FUNCTION SHALL
BE CONFIDENTIAL AND MAY BE DISCLOSED ONLY AS AUTHORIZED
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BY SECTION 408 OF PUBLIC LAW 92-255 AND BY PART 401, TITLE 21 OF THE CODE OF FEDERAL REGULATIONS (NOVEMBER 17, 1972), REFERRED TO AS THE " CONFIDENTIALITY REGULATIONS." THESE REGULATIONS AND DEPARTMENTAL INSTRUCTIONS IMPLEMENTING THOSE REGULATIONS MAY AUTHORIZE DISCLOSURE WITH THE PATIENT' S WRITTEN CONSENT UNDER THE FOLLOWING CIRCUMSTANCES: (1) TO MEDICAL PERSONNEL FOR PURPOSES OF DIAGNOSIS AND TREATMENT (SECTION 401.22); (2) TO GOVERNMENTAL PERSONNEL FOR PURPOSE OF OBTAINING BENEFITS TO WHICH THE PATIENT IS ENTITLED (SECTION 401.23); (3) TO APPROPRIATE COURT OR OTHER PERSONNEL IN CONNECTION WITH PAROLE, PROBATION, REFERRAL, OR SUSPENSION OF PROSECUTION (SECTION 401.24). (4) TO LEGAL COUNSEL FOR ONE OR MORE OF THE PURPOSES AUTHORIZED BY THE REGULATIONS OR FOR THE PURPOSE OF SECURING ADVICE ON THE QUESTION OF WAIVING CONFIDENTIALITY (SECTION 401.25); AND, (5) TO EMPLOYERS FOR PURPOSES OF PROCURING EMPLOYMENT AND TO AID IN THE REHABILITATION OF PATIENTS (SECTION 401.26). SUCH DISCLOSURES ARE LIMITED TO EVALUATIONS OF STATUS OR PROGRESS IN A TREATMENT PROGRAM.

THE REGULATIONS AUTHORIZE DISCLOSURE WITHOUT THE PATIENT' S CONSENT: (1) TO MEDICAL PERSONNEL TO MEET A BONA FIDE MEDICAL EMERGENCY (SECTION 401.42); (2) TO AUTHORIZED PERSONS MAINTAINING RECORDS IN CONNECTION WITH CHEMOTHERAPEUTIC TREATMENT (SECTION 401.43); AND, (3) TO QUALIFIED PERSONNEL FOR PURPOSES OF RESEARCH, AUDITS, AND PROGRAM EVALUATION (SECTION 401.44) ONLY, HOWEVER, TO THE EXTENT AND IN THE MANNER APPROVED IN ADVANCE BY THE GRANTING AGENCIES.

THE ABOVE IS AN ENUMERATION OF THE SITUATIONS IN WHICH DISCLOSURE IS PERMITTED. FOR DETAILS GOVERNING THE CIRCUMSTANCES AND CONDITIONS UNDER WHICH DISCLOSURE MAY BE MADE AND THE RULES AND PROCEDURES RELATING THERETO, REFERENCE SHOULD BE MADE TO THE SPECIFIC PROVISIONS OF THE REGULATIONS. ANY UNAUTHORIZED DISCLOSURE IS SUBJECT TO CRIMINAL PENALTIES (SECTION 401.51).

THE DEPARTMENT SHALL FURNISH A SECURE PLACE ON PROPERTY OF THE USG FOR RECORD STORAGE, WITH A VIEW TO ASSURING
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OBSERVANCE OF THE ABOVE CONFIDENTIALITY REGULATIONS IN THAILAND."

3. IT IS SAODAP OPINION YOU SHOULD NOT TRY TO IDENTIFY ANY AMERICAN YOUNGSTERS AS DRUG ABUSERS IN WRITING UNDER ANY CIRCUMSTANCES, INCLUDING USE OF PRIVATE SECTOR FUNDS. TO DO SO MIGHT PUT THEM IN JEOPARDY OF CRIMINAL LIABILITY.

4. SUGGEST EMBASSY MAY WISH TO CONSIDER APPROACHING GOS AGAIN, POSSIBLY AT HIGHER LEVEL, IN EFFORT TO OBTAIN INFORMAL AGREEMENT THAT GOS AUTHORITIES WOULD NOT REQUEST RECORDS. WE HAVE SIMILAR AGREEMENT WITH THAI GOVERNMENT THAT HAS WORKED WELL IN BANGKOK.

5. UNFORTUNATELY WE MUST SUSPEND REQUEST TO SAODAP FOR FUNDING UNTIL THIS POINT IS TIED DOWN.

LETTER WILL FOLLOW. RUSH

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